

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Perros et al.  
Ser. No. : 10/678,836  
Filing Date : October 3, 2003  
For : TROPANE DERIATIVES USEFUL IN THERAPY  
Examiner : Owens, Amelia A  
Art Unit : 1625  
Atty. Docket : PC10925B

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Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Adjust Patent Term Adjustment (PTA)**  
**Indicated in Notice of Allowance**

Sir:

1. This is a request for reconsideration of the patent term adjustment (PTA) of 244 days indicated in the Determination of Patent Term Adjustment Under 35 USC § 154(b) that was attached to the Notice of Allowance mailed on October 25, 2007. Applicants respectfully request re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703(b) upon identification of the patent issue date.
2. The issue fee has not yet been paid.
3. Applicants submit below in Section II a Statement of Facts as required by 37 C.F.R. § 1.705(b)(2).
4. The fee set forth in § 1.18(e) (\$200), as required by 37 C.F.R. § 1.705(b)(1), is paid as follows: please charge deposit account 16-1445 in the amount of \$200.

## **I. Background**

### **A. Summary of Prosecution History**

1. The application was filed October 3, 2003.
2. On February 3, 2005, an Office Action was mailed 62 days later than 14 months after the date on which the application was filed.
3. Applicants responded to the February 3, 2005 Office Action on May 3, 2005, within the 3 month period of reply under rule 1.704(b).
4. On July 19, 2005, an Office Action was issued in response to Applicants' May 3, 2005 response, within the period of reply under rule 1.702(a)(2).
5. Applicants responded to the July 19, 2005 Office Action on October 17, 2005, within the 3 month period of reply under rule 1.704(b).
6. On March 7, 2006, an Office Action was issued in response to Applicants' October 17, 2005 response, 18 days later than the period of reply under rule 1.702(a)(2).
7. Applicants responded to the March 7, 2006 Office Action on June 5, 2006, within the 3 month period of reply under rule 1.704(b).
8. On April 19, 2007, an Office Action was issued in response to Applicants' March 7, 2006 response, 196 days after period of reply under rule 1.702(a)(2).
9. Applicants responded to the April 19, 2007 Office Action on August 20, 2007, 32 days later than the 3 month period of reply under rule 1.704(b).
10. A Notice of Allowance was mailed on October 25, 2007. One of the attachments to the Notice of Allowance was a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) that indicated that the total PTA to date was 244 days.

## **II. Statement of Facts Required by 37 C.F.R. § 1.705(b)(2)(i), (ii), (iii) and (iv)**

### **A. 37 C.F.R. § 1.705(b)(2)(i) - Correct PTA and the Basis or Bases under § 1.702 for the Adjustment**

1. Applicants respectfully request re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703(b) upon identification of the patent issue date.
2. An estimated PTA of 549 days is calculated based on an estimated issued date of May 6, 2008 (the Tuesday before 28 weeks from the Notice of Allowance) subtracted by the total number of debits described below.

**B. 37 C.F.R. § 1.705(b)(2)(ii) - Relevant Dates as Specified in §§ 1.703(a) - (e) for Which an Adjustment is Sought and the Adjustment as Specified in § 1.703(f) to Which the Patent Is Entitled**

1. The period of adjustment pursuant to § 1.703(b) is the number of days in the period beginning the day after three years from which the application was filed pursuant to 35 USC § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371 ("the 3 year date") and ending the date a patent issues.
2. The present application was filed on October 3, 2003. The three year date specified in 37 C.F.R. § 1.703(b) is October 3, 2006. The estimated patent issue date is May 6, 2008 (the Tuesday before 28 weeks from the Notice of Allowance). The difference between the 3 year date (October 3, 2006) and the estimated patent issued date (May 6, 2008) is 581 days.
3. The PTO calculation of the period of adjustment pursuant to 37C.F.R. § 1.703, as shown by the PAIR PTA is 276 days.

**C. 37 C.F.R. § 1.705(b)(2)(iii) - Is Patent Subject To a Terminal Disclaimer**

1. The patent granted on this application is not subject to a terminal disclaimer.

**D. 37 C.F.R. § 1.705(b)(2)(iv) - Circumstances During the Prosecution of This Application Constituting a Failure to Engage in Reasonable Efforts to Conclude Processing or Examination**

1. The PTO calculation of the period of reduction of adjustment pursuant to 37C.F.R. § 1.704, as shown by the PAIR PTA is 32 days.

### III. Conclusion

Applicants submit that the Determination of PTA of 244 days that was attached to the Notice of Allowance mailed on October 25, 2007 is incorrect since it does not account for the issuance of the patent more than 3-years after the filing date. Accordingly, Applicants respectfully request re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703(b) upon identification of the patent issue date. Applicants estimated PTA of 549 days is calculated based on an estimated issued date of May 6, 2008.

Respectfully submitted,

Date: January 25, 2008

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Encl. Exhibit A - Copy of PTA History for Application No. 10/678,836 Printed from PAIR on January 25, 2008.

10/678,836	TROPANE DERIVATIVES USEFUL IN THERAPY	04-24- 2008 14:08:37
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/678,836

Filing or 371(c) Date:	10-03-2003	USPTO Delay (PTO) Delay (days):	276
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	32
Post-Issue Petitions (days):	+0	Total PTA (days):	244
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-25-2007	Mail Notice of Allowance		
10-25-2007	Mail Examiner's Amendment		
10-24-2007	Document Verification		
10-24-2007	Notice of Allowance Data Verification Completed		
10-23-2007	Examiner's Amendment Communication		
08-29-2007	Case Docketed to Examiner in GAU		
08-22-2007	Date Forwarded to Examiner		
08-20-2007	Response after Non-Final Action		32
08-20-2007	Request for Extension of Time - Granted		*
08-03-2007	Case Docketed to Examiner in GAU		*
07-05-2007	Correspondence Address Change		*
06-13-2007	Case Docketed to Examiner in GAU		*
04-19-2007	Mail Non-Final Rejection	196	
04-16-2007	Non-Final Rejection	*	
06-05-2006	Information Disclosure Statement considered	*	
06-05-2006	Information Disclosure Statement considered	*	
06-05-2006	Information Disclosure Statement considered	*	
06-07-2006	Date Forwarded to Examiner	*	
06-05-2006	Response after Non-Final Action	*	
06-05-2006	Information Disclosure Statement (IDS) Filed		
06-05-2006	Information Disclosure Statement (IDS) Filed		
06-05-2006	Electronic Information Disclosure Statement		
06-05-2006	Information Disclosure Statement (IDS) Filed		
03-07-2006	Mail Non-Final Rejection	18	
03-06-2006	Non-Final Rejection	*	
11-07-2005	Date Forwarded to Examiner	*	
10-17-2005	Response after Non-Final Action	*	
08-02-2005	Case Docketed to Examiner in GAU		
07-19-2005	Mail Non-Final Rejection		
07-18-2005	Non-Final Rejection		
05-10-2005	Date Forwarded to Examiner		

05-03-2005	Response after Non-Final Action	
12-15-2003	Reference capture on IDS	
02-28-2005	Information Disclosure Statement (IDS) Filed	
02-28-2005	Information Disclosure Statement (IDS) Filed	
02-03-2005	Mail Non-Final Rejection	62
02-02-2005	Non-Final Rejection	✚
06-11-2004	IFW TSS Processing by Tech Center Complete	✚
11-10-2003	Reference capture on IDS	✚
11-10-2003	Information Disclosure Statement (IDS) Filed	✚
11-10-2003	Information Disclosure Statement (IDS) Filed	✚
06-11-2004	Case Docketed to Examiner in GAU	✚
10-03-2003	Preliminary Amendment	✚
12-29-2003	Application Return from OIPE	✚
12-29-2003	Appilication Return TO OIPE	✚
12-29-2003	Application Dispatched from OIPE	✚
12-30-2003	Application Is Now Complete	✚
12-17-2003	Cleared by OIPE CSR	✚
11-27-2003	IFW Scan & PACR Auto Security Review	✚
10-03-2003	Initial Exam Team nn	✚

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